

VALENA ELIZABETH BEETY

Professor, West Virginia University College of Law, P.O. Box 6130, Morgantown, WV 26501
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EDUCATION

University of Chicago Law School, J.D. 2006

Staff Member, UNIVERSITY OF CHICAGO LAW REVIEW
Fellow, *University of Chicago Law School Stonewall Fellowship*
Fellow, *The Alfred B. Teton Civil and Human Rights Scholarship*

University of Chicago, the College, B.A., Anthropology, with Honors 2002

Richter Grant for Undergraduate Research, *Chicago Legal Aid for Incarcerated Mothers*
Metcalf Fellow, *Governor's Commission on the Status of Women in Illinois*
Fulbright Scholar, *Lycee Darchicourt, Henin-Beaumont, France*

ACADEMIC EXPERIENCE

Harvard Law School, Criminal Justice Policy Program *Visiting Scholar* Spring 2019

University of Kentucky College of Law *Visiting Professor* Fall 2018

Courses: Criminal Law, Criminal Law & Procedure Issues

West Virginia University *Professor of Law (tenured)* 2017 – present

Adjunct Professor of Forensic & Investigative Sciences 2017 – 2020

Associate Professor of Law 2012 – 2017

Founder and Co-Director LL.M. in Forensic Justice Online 2013 – 2016

Courses: Criminal Law, Criminal Procedure I, Post-Conviction Remedies, Forensic Justice
Seminar, Forensic Justice Online, Innocence Clinic [2012-2018]

University of Colorado Law School *Visiting Scholar* Spring 2015

University of Texas School of Law *Big XII Faculty Fellow* October 2013

University of Mississippi School of Law *Senior Staff Attorney, Innocence Project* 2009 – 2012

Adjunct Professor of Law 2010 – 2012

Courses: Identity and Criminality, Civil Rights and Prisons, Innocence Clinic

CLERKSHIPS

The Honorable Martha Craig Daughtrey, U.S. Court of Appeals for the Sixth Circuit 2007 – 2008

The Honorable Chief Judge James G. Carr, Northern District of Ohio 2006 – 2007

SELECTED SCHOLARSHIP

BOOKS

The Wrongful Convictions Reader, CAROLINA ACADEMIC PRESS (forthcoming 2018) (with Russell Covey).

ARTICLES AND ESSAYS

Contemporary Perspectives on Wrongful Conviction: An Introduction to the 2018 Innocence Network Conference, Memphis, 45 NORTHEASTERN U. L. REV. 2 (forthcoming 2019) (symposium organizer) (with Stephanie Hartung).

Prosecuting Opioid Use, Punishing Rurality, ____ OHIO ST. L. J. ____ (forthcoming 2019) (invited symposium contribution).

Evidence on Fire, 97 NORTH CAROLINA L. REV. ____ (forthcoming 2019) (with Jennifer Oliva);

- featured on *Excited Utterance: The Evidence and Proof Podcast*, (forthcoming September 2018)
- cited and discussed in *EXPERT EVIDENCE* (Carolina Academic Press 2019)

The Overdose/Homicide Epidemic, ____ GA. STATE U. L. REV. ____ (forthcoming 2018) (invited symposium contribution).

Discovering Forensic Fraud, 112 NORTHWESTERN U. L. REV. 124 (2017) (with Jennifer Oliva).

- featured on *Excited Utterance: The Evidence and Proof Podcast*, (Sept. 10, 2017), <https://www.excitedutterancepodcast.com/listen/2017/9/11/32-jennifer-oliva>

Changing the Culture of Disclosure and Forensics, 73 WASH. & LEE L. REV. ONLINE 580 (2017).

Voices on Innocence, 68 FLA. L. REV. 1569 (2017) (with Lucian Dervan, Richard Leo, Meghan Ryan, Gregory Gilchrist, and William Berry).

Introduction to the West Virginia Law Review Flawed Forensics and Innocence Symposium, 119 W. VA. L. REV. 101 (2016) (symposium organizer).

Cops in Lab Coats, Forensics in the Courtroom, 13 OHIO ST. J. OF CRIM. L. 543 (2016) (peer-reviewed journal).

Contemporary Perspectives on Wrongful Conviction: An Introduction to the 2016 Innocence Network Conference, San Antonio, 45 HOFSTRA L. REV. 2 (2016) (symposium organizer) (with Aliza Kaplan, Keith Findley, and Gwen Jordan).

Identifying the Culprit in Wrongful Convictions, 82 TENN. L. REV. 975 (2015).

Judicial Dismissal in the Interest of Justice, 80 MISSOURI L. REV 629 (2015) (lead article); *see also* <http://missourilawreview.blogspot.com/2015/04/motions-to-dismiss-in-interest-of.html> (successful motions).

Contemporary Perspectives on Wrongful Conviction: An Introduction to the 2015 Innocence Network Conference, Orlando, Florida, 3 TEX. A&M L. REV. 179 (2015) (symposium organizer) (with Aliza Kaplan and Robert Schehr).

Emergence from Civil Death: The Evolution of Expungement in West Virginia, 117 W. VA. L. REV. ONLINE 63 (2015) (with the Honorable John Michael Aloï, U.S. Magistrate Judge, N.D.W.Va. and Evan Johns).

The Case of Trayvon Martin and the Need for Eyewitness Identification Reform, 90 DENVER U. L. REV. 331 (2013).

Risk and Execution: The Local Impact of Capital Cases on Mississippi Counties, 82 MISS. L. J. 133 (2013).

Ethics and Economics: The Death Penalty in Mississippi, 81 MISS. L. J. 1437 (2012).

Mississippi Initiative 26: Personhood and the Criminalization of Intentional and Unintentional Acts by Pregnant Women, 81 MISS. L. J. SUPRA 55 (2011), <http://mslj.law.olemiss.edu/supra/index.html> (online symposium organizer).

Reframing Asylum Standards for Mutilated Women, 11 J. GENDER RACE & JUST. 239 (2008).

OTHER PUBLICATIONS

Will the Federal Government Enforce the Fourteenth Amendment?, ABA INSIGHTS ON LAW & SOCIETY MAGAZINE (Spring 2017), <https://www.americanbar.org/publications/insights-on-law-and-society/2017/winter2017/perspectives.html>

Race to Death: A Critical Look at the Death Penalty as Arkansas Executes Eight, JURIST (March 29, 2017), <http://www.jurist.org/forum/2017/03/Valena-Beety-death-penalty.php>

Justice Antonin Scalia's Rebuke of Innocence, OXFORD HUMAN RIGHTS HUB (March 8, 2016), <http://ohrh.law.ox.ac.uk/justice-antonin-scalias-rebuke-of-innocence/>

Flawed Forensics and Innocence, CHARLESTON GAZETTE-MAIL (March 6, 2016)

New Books in Forensics: Cops in Lab Coats, Reviewed by Valena Beety, FORENSICS FORUM (November 5, 2015), <https://forensicsforum.net/2015/11/05/new-books-in-forensics-cops-in-lab-coats-reviewed-by-valena-beety/>

After Ferguson: What Can We Do?, CHARLESTON GAZETTE-MAIL (Nov. 30, 2014)

Protecting West Virginia's Innocent, THE WEST VIRGINIA LAWYER (Dec. 2013) (with Ifeoma Ike).

Buffey Case Shows W.Va. Must Record Police Interrogations, CHARLESTON GAZETTE-MAIL (Dec. 20, 2012), <http://www.wvinnocenceproject.law.wvu.edu/r/download/152604>

The Cost of Death, JACKSON FREE PRESS (July 14, 2010), http://www.jacksonfreepress.com/index.php/site/comments/beety_the_cost_of_death_071410/

Georgia Rape Case Dismissed Because of Victim's Sexual History?, FEMINISTING (May 15, 2008), http://feministing.com/2008/05/15/georgia_rape_case_dismissed_be/

AWARDS AND APPOINTMENTS

Executive Board Member, *Innocence Network* (2014-2017; 2017-2020).

Board Member, *Research Center on Violence* (2018-present).

Member, *Northern District of West Virginia U.S. District Court Drug Court Team* (2017-present).

WVU College of Law Significant Scholarship Award (2016).

West Virginia Law Review Faculty Member of the Year Award (2016).

Co-Founder, *Appalachian Justice Initiative* (2016 – present).

Member, *University of Chicago Law School Visiting Committee* (2014-2017).

Member, *University of Chicago Law School Public Interest Advisory Board* (2014-15).

Member, *West Virginia Governor's Indigent Defense Commission* (2014-2019).

Big XII Faculty Fellow, University of Texas School of Law (2013).

BLSA Faculty Member of the Year, University of Mississippi College of Law (2011-2012).

GRANTS AND FUNDRAISING

\$100,000 Donation to West Virginia Innocence Project (2017).

WVU Community Engagement Grant for Re-Entry Initiative (2017).

WVU Faculty Senate Travel Grant to present at AALS Annual Conference (January 2017).

WVU Faculty Senate Travel Grant to present book chapter at MAPOC (January 2014).

WVU Faculty Senate Travel Grant to present at “The Taslitz Galaxy” (September 2014).

PRACTICE EXPERIENCE

West Virginia Innocence Project, *Founding Director* 2012 – 2018

- Freed clients Jeremiah Mongold, Kenneth Manns, Joe Lavigne, on DNA and forensic fraud
- Obtained Presidential clemency for four clients as part of Clemency Project 2014
- Established *coram nobis* as a post-conviction remedy for criminal defendants in West Virginia

Mississippi Innocence Project, *Senior Staff Attorney* 2009 – 2012

- Exonerated clients Leigh Stubbs and Tammy Vance on forensic fraud and *Brady* evidence
- Drafted and led enactment of MS House Bills 992 and 1466 to standardize state pathologists

U.S. Attorney’s Office for the District of Columbia, *Assistant U.S. Attorney* 2008 – 2009

- Represented the United States in criminal matters in the D.C. Superior Court
- First-chaired seventeen jury and bench trials

TRAININGS AND CERTIFICATIONS

Inside-Out: certified to teach Inside-Out courses in prisons to inmate and law students (June 2018)

Workshop for Law Professors on Empirical Methods: week-long training at Law & Economics Center, George Mason University Antonin Scalia Law School (July 23-26, 2018)

QM Quality Matters Certification: certified to create QM Rubric online law courses (November 2015)

SELECTED CASES, LEGISLATION, AND AMICUS BRIEFS

Legislation

West Virginia Senate Bill 200, established best practices police protocols for interviewing eyewitnesses (enacted 2013).

Mississippi House Bill 922/Senate Bill 2435, created an apolitical board to oversee the Mississippi State Medical Examiner’s Office, established the State Medical Examiner as a University of Mississippi Medical School Faculty Member (enacted 2011).

Mississippi House Bill 1466, required state pathologists to be board certified (enacted 2010).

Sample Appellate Cases

Jeremiah Mongold v. Williamson, 2008-C-123 (Hampshire County Circuit Court 2016) (conviction vacated based on Shaken Baby Syndrome)

Tasha Mercedes Shelby v. State of Mississippi, 2000-KA-01763 (Mississippi 2015) (petition for post-conviction relief granted in Shaken Baby Syndrome case)

State of West Virginia v. Orville Hutton, 2015 WL 3822814 (decision establishing *coram nobis* as a remedy for criminal defendants in West Virginia)

Joseph Lavigne v. Plumley, 3:13-cv-29691 (S.D.W.V.) (federal pleading after petitioner’s conviction

was reversed in a habeas hearing and then reinstated by the WV Supreme Court)
Joseph Osborne v. State of Mississippi, 2012 M 01845 (one of six joint pleadings alleging forensic fraud by Dr. Steven Hayne, denied; federal relief granted)
Willie Pittman v. State of Mississippi, 2012 M 00780 (evidentiary hearing granted on newly discovered evidence of innocence)
Leigh Stubbs, Tammy Vance v. State of Mississippi, 2011 M 00492, 2011 M 00398 (new trial granted in sexual assault case based on Brady violation and fraudulent bite mark evidence)
Sherrod Davis v. State of Mississippi, 2010 M 01401 (post-conviction motion for DNA testing granted)
Christopher Brandon v. State of Mississippi, 2009 KA 01761 COA (direct appeal petition based on forensic fraud in Shaken Baby Syndrome case denied; post-conviction appeal granted)

Amicus Briefs

In Re: Petition of A.N.T. v. State of West Virginia, No. 16-0147, *Amicus Curaie*, West Virginia Innocence Project (West Virginia 2017).
State of West Virginia v. Quinton Peterson, No. 15-1220, *Amicus Curaie*, West Virginia Innocence Project (West Virginia 2016).
Justin Black v. Plumley, No. 13-C-486, *Amicus Curaie*, West Virginia Innocence Project (Cabell County Circuit Court 2016)(DNA Testing).
State of West Virginia v. Byron Blackburn, No. 13-0270, *Amicus Curaie*, West Virginia Innocence Project and Innocence Project, Inc. (West Virginia 2014).
Melanie Ross v. Daniel Day, S08C1295, *Amicus Curaie*, Students Active For Ending Rape (SAFER), Inc. (Georgia 2008).
Rumsfeld v. Forum for Academic and Institutional Rights, 2004 U.S. Briefs 1152, *Amici Curaie*, Natl. Lesbian and Gay Law Association and Law Student Associations (2004).

SELECTED MEDIA INTERVIEWS

Evidence on Fire, Guest, Excited Utterance: The Evidence And Proof Podcast (September 2018)
<https://www.excitedutterancepodcast.com>

Execution in Mississippi: Who lives and who dies, APMReports.org, In The Dark Podcast (July 3, 2018)
<https://www.apmreports.org/story/2018/07/03/execution-in-mississippi-who-lives-and-who-dies>

Forensics: An Incredible Tool But Still Faulty, Comcast Newsmakers (May 10, 2018)
<https://comcastnewsmakers.com/Videos/2018/5/10/Forensics?autoplay>

Helping Prove Innocence of Wrongly Accused, Comcast Newsmakers (May 9, 2018)
<https://comcastnewsmakers.com/Videos/2018/5/9/WV-Innocence-Project>

Episode 7, Come Home Daddy, Guest, Sparked Podcast (April 20, 2018)
<https://wvumag.wvu.edu/sparked/sparked-episodes-feed/2018/04/20/episode-7-come-home-daddy>

Guilty Until Proven Innocent, WVU Magazine with Jake Stump (April 13, 2018)
<https://wvumag.wvu.edu/features/guilty-until-proven-innocent>

State v. Ronnie Long, Addendum 1, Guest, Undisclosed Podcast (March 14, 2018)
<http://undisclosed-podcast.com/episodes/ronnie-long-addenda/addendum-1.html>

West Virginia Innocence Project, Guest, New Activists on the Block Podcast (March 9, 2018)
<https://itunes.apple.com/us/podcast/new-activists-on-the-block/id1239213771?mt=2>

Episode 7, Not Letting Go, Guest, Mared & Karen: The WVU Coed Murders Podcast (February 6, 2018)
<https://soundcloud.com/maredandkaren/episode7>

Eyewitness Misidentifications, Guest, Undisclosed Podcast (January 25, 2017)

The Growing Population of Women in Prison, Guest, UMPR News with Kerri Miller (January 10, 2017)
<http://www.mprnews.org/story/2017/01/10/rising-rate-of-women-in-prison>

Locked Up, Guest, U92 radio show “Feedback,” (February 11, 2016)

False Confessions and Recording Police Interrogations, Guest, WCHS radio show “Ask the Expert,” (January 30, 2014)
http://stationcaster.com/player_skinned.php?s=88&c=815&f=2373463.

False Confessions, Guest, PBS television show “The Law Works,” (September 27, 2013)

Eyewitness Identification Reform, Guest, PBS television show “The Law Works,” (February 21, 2013)

The West Virginia Innocence Project, Guest, PBS television show “The Law Works,” (December 7, 2012)

SELECTED PRESENTATIONS

Prosecuting Opioid Use, Punishing Rurality, invited panelist, Facing Opioids: Drug Enforcement & Health Policy in Today’s Epidemic, **Ohio State Law Journal Symposium**, Columbus, OH, Oct. 19, 2018.

The Future of the Death Penalty and Capital Litigation, discussant, **Southeastern Association of Law Schools**, Fort Lauderdale, FL, August 5, 2018.

Drug-Induced Homicide Prosecutions, presentation at CrimFest, **Cardozo School of Law**, July 17, 2017.

Evidence on Fire, invited faculty colloquium paper presenter at **University of Washington School of Law Shefelman Faculty Workshop**, Seattle, WA, May 17, 2018.

Drug-Induced Homicide Prosecutions in West Virginia, key-note speaker, **Federal Criminal Justice Act Panel Seminar**, Appreciation Dinner, Glade Springs, WV, May 3, 2018.

Innocence and Science, invited panelist, From The Crime Lab to The Courtroom, **Georgia State University Law Review Symposium**, Atlanta, Georgia, April 6, 2018.

Innocence Scholarship, panel organizer at **Innocence Network Conference**, Memphis, Tennessee, March 23, 2018.

Criminal Justice in an Epidemic, moderator and panel presenter, **West Virginia Law Review 2018 Appalachian Justice Symposium**, West Virginia University College of Law, Morgantown, WV, February 23, 2018.

Death Investigations, work-in-progress presenter, ClassCrits X: Mobilizing for Resistance, Solidarity and Justice, **Tulane Law School**, New Orleans, LA, November 10, 2017

The Divide, panel organizer and moderator, **Mass Incarceration in Appalachia**, Appalachian Justice Initiative, West Virginia University College of Law, Morgantown, WV, November 1, 2017

Incorporating Developments in Forensic Science and Technology into the Criminal Justice System, discussion group organizer at **Southeastern Association of Law Schools**, Boca Raton, Florida, August 2, 2018.

Legal Disclosure and Discovery of Forensic Evidence: Comparing Civil and Criminal Procedure, **Forensic Science Error Management International Forensics Symposium**, Gaithersburg, Maryland, July 27, 2017.

Death Investigations, presentation at CrimFest/AALS Mid-Year Meeting of Criminal Justice Section, **American University Washington College of Law**, June 12, 2017.

Innocence Scholarship, panel organizer at **Innocence Network Conference**, San Diego, California, March 24, 2017.

False Confessions in Context, presentation at **Association of American Law Schools Annual Conference**, San Francisco, California, January 7, 2017.

Developing a Cross-Clinical, Interdisciplinary, Holistic Legal Services Initiative Aimed at Eliminating Re-Entry Barriers for West Virginia Ex-Offenders, presentation at New England Clinical Conference, **Boston University Law School**, Boston, MA, October 21, 2016.

Innocence Scholarship, panel organizer at **Innocence Network Conference**, San Antonio, Texas, April 8, 2016.

Race and Wrongful Convictions, presentation at **Innocence Network Conference**, San Antonio, Texas, April 8, 2016.

Flawed Forensics & Innocence Symposium, symposium organizer and paper presenter, WVU College of Law, Morgantown, WV, March 3-4, 2016.

Criminal Justice Reform and the Changing Innocence Movement, panel organizer and paper presenter, The Present and Future of Civil Rights Movements: Race and Reform in 21st Century America, **Duke Law School**, Durham, North Carolina, November 20, 2015.

Criminal Justice Reform and the Clemency Movement, panel organizer at ClassCrits VIII, **University of Tennessee Law School**, Knoxville, Tennessee, October 23, 2015.

Innocence Scholarship, panel organizer at **Innocence Network Conference**, Orlando, Florida, May 2, 2015.

Could Ferguson/NYC/Cleveland Happen Here?, invited moderator for open forum, **West Virginia University College of Law**, Morgantown, West Virginia, December 9, 2014.

Implicit Racial Bias and Policing, presentation at **WVU Race Symposium: Discussion of the Events in Ferguson, Missouri**, Morgantown, West Virginia, November 18, 2014.

Andrew Taslitz and the Innocence Revolution, presentation at The Taslitz Galaxy: A Gathering of Scholars at **Howard University School of Law**, Washington, D.C., September 19, 2014.

Judicial Clemency, paper presentation at the **University of Minnesota Robina Institute of Criminal Law & Criminal Justice Workshop**, Minneapolis, Minnesota, April 25, 2014.

How to Start an Innocence Effort, invited panel presentation at **Innocence Network Conference**, Portland, Oregon, April 11, 2014.

Criminal Justice and Prison Reform in West Virginia, invited presentation at **West Virginia University Conference on Educational Justice and West Virginia Prisons**, Morgantown, West Virginia, April 5, 2014.

Trayvon Martin, Violence, and Implicit Racial Bias, paper presented at the Mid-Atlantic People of Color Conference, **University of Baltimore Law School**, Baltimore, Maryland, January 24, 2014.

Judicial Clemency in West Virginia and Texas, paper presented at faculty colloquium, **University of Texas Law School**, Austin, Texas, November 7, 2013.

Judicial Clemency in West Virginia and Texas, paper presented at faculty colloquium, **West Virginia**

University College of Law, Morgantown, West Virginia, October 22, 2013.

Clemency and Criminal Justice, paper presented at the Criminal Justice Roundtable, **University of Virginia Law School**, Charlottesville, Virginia, June 3, 2013.

NAS Report and the Path Forward: Four Years Later, invited panel presentation at **Innocence Network Conference**, Charlotte, North Carolina, April 20, 2013.

The Trayvon Martin Case: A Discussion, invited speaker, **University of Mississippi School of Law**, Oxford, Mississippi, April 10, 2012.

Eyewitness Identification: Enhancing Law Enforcement's Ability to Ensure Accurate Convictions, Panel Moderator and Organizer, **Mississippi Association of Chiefs of Police Winter Conference**, Oxford, Mississippi, Dec. 15, 2011.

Challenging Forensic Evidence and Experts, lecture presented to **Mississippi Public Defenders Conference**, Choctaw, Mississippi, October 26, 2011.

Fatism and Criminal Justice: Examining Bias Against Defendants, paper presented at the **Law & Society Annual Meeting**, San Francisco, California, June 3, 2011.

Sexual Violence & the International Criminal Tribunal for Rwanda, Guest Lecturer, **University of Mississippi Honors College**, International Conflict Course (Prof. Megan Shannon, instructor), University, Mississippi, April 25, 2011.

Forum on Mississippi's Current Medical Examiner Office, Forum Organizer, **University of Mississippi Medical Center**, Jackson, Mississippi, November 4, 2010.

Sexual Violence and Human Rights Law, Guest Presenter, **Citizens for Global Solutions Mid-South Annual Meeting**, Oxford, Mississippi, April 29, 2010.

The International Criminal Tribunal for Rwanda: Shaping International Law, Guest Lecturer, **University of Mississippi Honors College**, Introduction to International Law Course (Prof. Megan Shannon, instructor) University, Mississippi, April 28, 2010.

Stopping Dating Violence: Strategies on Campus and in Courts, Invited Campus Speaker, **Slippery Rock University**, Slippery Rock, Pennsylvania, November 19, 2009.

Addressing Dating Violence on Campus, Facilitator of Faculty Discussion, **Slippery Rock University**, Slippery Rock, Pennsylvania, November 18, 2009.

The Moratorium on the Death Penalty in Illinois, Facilitator for event with speaker Governor George Ryan, **University of Chicago Law School**, Chicago, Illinois, November 25, 2004.

SERVICE

Executive Board Member, Innocence Network, 2014 – 2017, 2017 – 2020.

Innocence Network Membership Committee, 2014 – present.

Innocence Network Scholarship Committee, 2014 – present.

Founding Officer, AALS Section on Technology, Law and Legal Education, 2016 – present.

Executive Committee, AALS Section on Sexual Orientation and Gender Identity Issues, 2017 – present.

Co-Founder, Appalachian Justice Initiative, 2016 – present.

Legal Education and Outreach Volunteer for Veteran Prisoners, Federal Correctional Center-Hazelton, Hazelton, WV, 2016 – present.

Chair and Founder, University of Chicago-WVU Franklin D. Cleckley Fellowship, 2012 – present.

Member, Merit Review Committee, 2017-2018.
Member, Admissions Committee, 2017-2018.
Member, Faculty Development Committee, 2016-2017.
Co-Director, Forensic Justice LL.M. Program, 2013 – 2016.
Member, Academic Planning Committee, 2013 – 2016.
Member, Organizing Committee for 2015 Mid-Atlantic People of Color Conference, 2014 – 2015.
Chair, Subcommittee on Creation of Forensic Justice LL.M, 2013 – 2014.
Member, Faculty Development Committee, 2013 – 2014.
Invited Reviewer, BEHAVIORAL SCIENCES & THE LAW, October 2013.

PROFESSIONAL AFFILIATIONS

Bar Admissions: Northern District of West Virginia (2015), Southern District of West Virginia (2013), West Virginia (2012), Mississippi (2010), Washington D.C. (2009), Illinois (2008), New York (2007).